

U.S. Patent Application No. 10/611,414  
Request for Reconsideration dated August 22, 2008  
In Response to Office Action of June 26, 2008

### **REMARKS**

#### **INTRODUCTION**

Continued examination and favorable reconsideration are respectfully requested.

Claims 1-15, 17, 19-21, and 84-85 remain pending in the application. Claims 16, 18, and 22-83 were previously canceled without prejudice or disclaimer. No claims have been amended. No new matter has been added.

Applicants gratefully appreciate the Examiner's withdrawal of all the previous rejections.

Applicants have duly considered the rejections of the claims in the Office Action and request reconsideration. Entry of this request and prompt favorable action are respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. §103**

At page 3 of the Office Action, claims 1, 5-8, 10-12, 19-21, and 84-85 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Glanowski et al. (U.S. Patent No. 7,272,506 B2) in view of Liu et al. (U.S. Patent No. 6,920,398). For the reasons set forth herein, Applicants respectfully traverse this rejection.

Under 35 U.S.C. §103(c)(1), U.S. Patent No. 7,272,506 B2 to Glanowski et al. shall not preclude patentability under 35 U.S.C. §103 because Glanowski et al. qualifies as prior art only under section (e) of 35 U.S.C. §102. Glanowski et al. was owned by the same person or subject to an obligation of assignment to the same person, as the claimed invention, at the time the claimed invention was made. Accordingly, this rejection is

U.S. Patent Application No. 10/611,414  
Request for Reconsideration dated August 22, 2008  
In Response to Office Action of June 26, 2008

deemed to be moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Furthermore, under 35 U.S.C. §103(c)(1), U.S. Patent Application Publication No. US 2003/0165869 A1, which published from the same application as the one that matured into Glanowski et al., shall not preclude patentability under 35 U.S.C. §103 because the published application qualifies as prior art only under section (e) of 35 U.S.C. §102. The published application was likewise owned by the same person or subject to an obligation of assignment to the same person, as the claimed invention, at the time the claimed invention was made.

Entry of the reply after final rejection is requested and deemed proper under 37 C.F.R. §1.116 because: (1) no claims are added or amended; (2) no new issues are raised; (3) no further searching is required; and (4) the remarks place the application in immediate condition for allowance.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

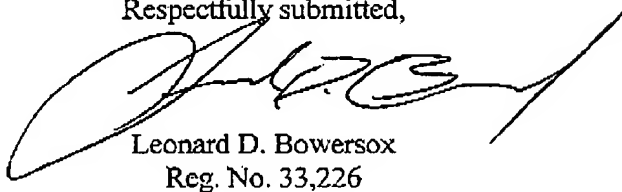
Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time

U.S. Patent Application No. 10/611,414  
Request for Reconsideration dated August 22, 2008  
In Response to Office Action of June 26, 2008

under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should  
also be charged to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Bowersox', is written over the typed name and registration number.

Leonard D. Bowersox  
Reg. No. 33,226

KILYK & BOWERSOX, P.L.L.C.  
3925 Chain Bridge Road, Suite D-401  
Fairfax, Virginia 22030  
Tel.: (703) 385-9688  
Fax: (703) 385-9719